

MEMO ENDORSED



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December 4, 2020

**BY ECF**

Hon. Ona T. Wang  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Rasheen Smith v. City of New York, et.al.  
18-CV-5079 (MKV) (OTW)

Your Honor:

**SO ORDERED:**

Application GRANTED.

A handwritten signature in blue ink, appearing to read "Ona T. Wang".

**Ona T. Wang** 12/7/20  
United States Magistrate Judge

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, representing Defendants City of New York, Police Officer Fernando Avalos, and Police Officer Daniel Alexis ("defendants") in the above-referenced matter. Plaintiff, Rasheen Smith, is represented by Anthony C. Ofodile. The parties jointly write to request that the settlement conference, currently scheduled for December 8, 2020, be adjourned *sine die*. (ECF No. 53). Further, defendants would request an extension, *nunc pro tunc*, to provide the Court with settlement submission pursuant to Your Honor's Individual Rules. (Id.).

On October 15, 2020, the parties appeared before Your Honor via telephone for a pre-settlement conference scheduling call. Subsequently, the Court scheduled a settlement conference for December 8, 2020. (ECF No. 53). Thereafter, the parties conferred to further engage in settlement negotiations. The parties now jointly request that the settlement conference be adjourned because the parties' positions are too far apart and therefore, do not believe that the conference would be fruitful. Additionally, the parties are currently engaged in dispositive motion practice and the Court's decision on the pending motions for summary judgement may influence the parties' positions regarding settlement. Therefore, the parties make this request with the intention of requesting a new date should the parties later believe that a conference would aid their negotiations.

Accordingly, the parties respectfully request, that the settlement conference, currently scheduled for December 8, 2020, be adjourned *sine die*.

Thank you for your consideration herein.

Respectfully submitted,

/s Nicholas L. Collins  
Nicholas L. Collins  
*Attorney for Defendants*  
Special Federal Litigation Division

/s Anthony C. Ofodile  
Anthony C. Ofodile  
*Attorney for Plaintiff*  
Law Offices of Anthony C. Ofodile